

Application 09/852,497

PATENT

DOCKET: 4022-4001US1

REMARKS

The above amendments and following remarks are in response to the January 15, 2004 Examiner Interview and to the Office Action dated November 25, 2003. Applicants respectfully request reconsideration of the application in view of the foregoing amendments and following remarks.

I. Status of the Claims

Claims 1 through 82 are pending. Claims 1-3, 23, 40, 41, and 60 are currently amended. No new matter has been added. Support for these amendments can be found throughout the specification. Entry and consideration of this Amendment are respectfully requested.

II. Examiner Interview

Applicants would like to thank the Examiner for the courtesy extended during the telephone interview held on January 15, 2004. Applicant discussed the (1) cited references' lack of any teaching or disclosure of the claimed timing limitations, and (2) amendment of the claims to overcome the § 101 rejection. The Examiner indicated that, in view of the clarification of the DeRafael reference, the claims appeared to overcome the cited art of record because neither DeRafael nor Small teach, disclose or suggest the timing limitations of the present invention. The Examiner believed some of the independent claims might still be too broad, however, the Examiner lacked any art teaching or suggesting applicants timing limitations, and indicated he would need to conduct another search. Nonetheless, as the Examiner suggested, Applicants have amended the claims to recite elements in the technological arts, both to further narrow the breadth of the claims and to overcome the §101 rejection.

Finally, in view of the Examiner's prior misunderstanding of DeRafael and the

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need for the Examiner to conduct another search, the Examiner suggested that Applicants submit this Response and Amendment and Request for Reconsideration.

III. Office Action Mailed August 13, 2003

A. Objection to the Drawings

In the Office Action dated August 13, 2003, the Examiner indicated that the drawings were informal but acceptable for examination purposes. Accordingly, Applicants will provide formal drawings upon indication of allowability.

B. Rejection of Claims 1-10, 18-20, 41-48 and 60 Under 35 U.S.C. 101

Claims 1-10, 18-20, 41-48 and 60 have been rejected under 35 U.S.C. § 101 because the claims are directed to nonstatutory subject matter. As discussed above, Applicants have amended the claims in accordance with the Examiner's suggestions during the January 15, 2004 Examiner Interview to overcome the rejection.

C. Response to Rejection of Claims 1-82 Under 35 U.S.C. 103(a)

Claims 1-77 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,791,991 to Small ("Small") in view of U.S. Patent No. 6,529,878 to De Rafael ("De Rafael"). Claims 78-82 have been similarly rejected. As discussed during the January 15, 2004 interview and summarized above, the cited references do not teach, disclose or suggest at least the claimed timing limitations. Accordingly, at the Examiner's suggestion, Applicants respectfully request that the Examiner reconsider the Applicants' October 28, 2004 Amendment and Response including the remarks clarifying and distinguishing the cited references.

CONCLUSION

Based on the January 15, 2004 Examiner interview and the foregoing remarks and

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amendments, it is respectfully submitted that the claims as amended are patentable and in condition for allowance for which action is earnestly solicited.

If any issues remain, or if the Examiner has any suggestions for expediting allowance of this application, he is respectfully requested to contact the undersigned at the telephone number listed below.

Favorable consideration is respectfully requested.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for this amendment, or credit any overpayment to Deposit Account No. 13-4500, Order No. 4022-4001US1. **A DUPLICATE OF THIS DOCUMENT IS ATTACHED.**

Respectfully submitted,

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Dated: January 26, 2004

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